



Planning and Zoning Department  
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Venice, FL 34285  
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[www.venicegov.com](http://www.venicegov.com)

CITY OF VENICE  
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## Appeal Application for City Council

### Section 1.16 Appeals Applications (Quasi-Judicial)

Submit a completed application, supporting documents and fees to the City Clerk. All information will become a permanent part of the public record. Incomplete applications will be returned to the applicant/agent.

Project Name: Village at Laurel and Jacaranda, Petition No. 22-405P

Address: SW corner of Laurel Road and Jacaranda Blvd.

Parcel Identification No.: N/A Parcel Size: 10.42 acres

Property Owner: Border and Jacaranda Holdings, LLC.

### Application Fees:

☒ Total Fees = \$579.85 (Application Fee: \$347.91/Review Fee: \$231.94) ✓ rec'd ck 2252

Being the owner or agent of the parcel of land involved, I hereby appeal the final decision rendered by a city board or commission in accordance with the LDR, with reference to: 86-236m

And hereby petition reversal or modification of the decision by city board or commission dated: January 7, 2025

Please provide a detailed narrative stating the full explanation of the alleged error committed in the interpretation or application of the Land Development Regulations (attach as necessary):

See attached.

Applicant/Owner Name (for billing purposes): GARY SCOTT  
Address: 156 Pesaro Dr., N. Venice, FL 34275  
Email: grscott520@gmail.com  
Phone Number: 307-638-0982  
Signature: [Signature] Date: 1/22/2025



.16. - Appeals Applications (Quasi-Judicial)

- A. **Purpose and Intent.** Final actions identified within this Chapter may be appealed consistent with this section.
- B. **Applicability.** The City or any person aggrieved by a final decision rendered in accordance with this LDR by a City board or commission, Zoning Administrator, or City Engineer may submit an appeal with the appropriate review body, per Section 1.1.6.
- C. **Specific Application Requirements.** Any appeal must be submitted in writing and filed with the City Clerk within 15 calendar days of rendition of the decision. The appeal shall contain the following:
1. Completed appeal form;
  2. A full explanation of the alleged error committed in the interpretation or application of this LDR;
  3. Payment of the required filing fee; and
  4. Any other pertinent information.
- D. **Decision Criteria.** The appeal shall be conducted by the reviewing body as a de novo review. No party may advance at the de novo review any material alteration to the application or petition that was ruled upon by the staff, city board or commission. The reviewing body shall hear testimony and argument from all parties and the public and shall then either approve, approve with conditions or deny the appeal.
- E. **Stay Pending Appeal.** An appeal stays all proceedings in furtherance of the action appealed unless such action would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by an order granted by the reviewing body or by a court of record, on notice to the City staff, and on due cause shown.

(Ord. No. 2022-15, § 3(Exh. B), 7-12-22)

The Planning Commission committed error in its failure to apply or in its misapplication of Land Development Regulation 86-23(m), which is attached. That regulation requires that the planning commission be guided in its decision by the standards described in the regulation. The planning commission failed to do that in the following respects:

Concerning 86-23(m)(2) the department of planning and development staff in its report to the planning commission applied an incorrect definition of "intensity of use", defining it to mean only the floor area ratio (FAR) of the subject property. The term instead relates to the anticipated level of activity on the property, which involves not only FAR but also such things as the amount of projected traffic, the number of people, the hours of operation, and the purpose for which the property will be used. The regulation requires that there be a comparison of the intensity of use of the subject property with that of adjacent properties and that consideration be given to the effect of the property's intensity of use upon the adjacent property, which in this case is residential neighborhoods. The staff report makes no reference to any such comparison and there was no indication that the commission made such a comparison. The staff report also makes no reference to the effect of the intensity of use of the subject property on the surrounding residential neighborhoods. Instead of requiring that the staff comply with the requirements of 86-23(m)(2) as could have been done as a condition of approval, the planning commission approved the site plan. The planning commission was not guided by this regulation in its decision.

Concerning 86-23(m)(3) the evidence at the hearing before the planning commission was that access to the development involving the intersection of Laurel Road and Veneto Boulevard as proposed in the site plan would be unsafe for automotive and pedestrian traffic without a traffic signal. The developer's traffic consultant believed that without a traffic signal at the intersection the residents of the Venetian Golf and River Club would be denied safe access to the development. The planning commission chairman in response to a statement that blood would be on the hands of the planning commission, in reference to the unsafe intersection, did not deny that the intersection would be unsafe. The chairman instead said that blood would not be on the hands of the commission but instead would be on the hands of Sarasota County whose engineering department denied the developer's request for a variance that would have permitted a traffic signal at the intersection. Instead of requiring that the developer submit a site plan that provided safe access to the development, as it could have done as a condition to approval, the commission attempted to shift the blame and the responsibility to the county. The planning commission was not guided by this regulation in its decision.

Concerning 86-23(m)(6) the planning commission failed to address the concerns regarding stormwater drainage that were discussed in the report of July 13, 2024, of Jennifer Menendez, P.E. of Catalyst Engineering. That report was submitted in advance to the planning commission and was presented in part at the hearing by an audience participant. There was no indication that the planning commission considered the report of Ms. Menendez. Instead of seeking the opinion of an independent outside engineering firm addressing the concerns of Ms. Menendez and confirming the adequacy of the stormwater drainage plans proposed by the developer, as could have been done as a condition to approval, the commission approved the site plan. The planning commission was not guided by this regulation in its decision.

- (k) *Recommendation on proposed annexations.* Before taking any final affirmative action on any proposed annexation or enlargement of city boundaries, whether by petition of the owners of contiguous property or by an election called pursuant to law, or otherwise as provided by general law, if such proposed annexation proposal shall involve one or more acres of undeveloped, contiguous land outside the potential planning service area as identified in Figure LU-2 of the comprehensive plan, the city council shall first certify such proposal (including any proposed collateral agreement in that regard) to the planning commission. The commission shall consider the proposal in relation to its established comprehensive plan for city-wide development and control or by applying such other criteria as may have been established under its own rules and procedures and shall recertify the proposal to the city council with its recommendation for approval, rejection or modification in whole or in part. The city council may, by resolution, extend the time for such action by the planning commission when requested and if good cause therefor shall be made to appear.
- (l) *Local planning agency designation.* Pursuant to and in accordance with F.S. § 163.3174, the planning commission is hereby designated and established as the local planning agency for the city.
- (m) *Duties in site and development plan approval.* The planning commission shall review and act upon site and development plan applications in accordance with the provisions contained in section 86-49. In reaching a decision as to whether or not the site and development plan as submitted should be approved or approved with changes, the planning commission shall follow the procedures set out herein and shall be guided in its decision and the exercise of its discretion to approve, approve with conditions, or to deny by the following standards:
  - (1) Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the city.
  - (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the planning commission the authority to reduce residential densities below that permitted by the schedule of district regulations set out in this code.
  - (3) Ingress and egress to the development and proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe or emergency.
  - (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
  - (5) Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.
  - (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall public drainage capacities.
  - (7) Adequacy of provision for sanitary sewers, with particular relationship to overall city sanitary sewer availability and capacities.
  - (8) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.